



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Steven Andrew Poling et al.

Title:

COMPOUNDS FOR NOVEL PROTON CONDUCTING MEMBRANES AND METHODS OF
MAKING SAME

Docket No.: 900.186US1

Serial No.: 10/627,584

Filed: July 25, 2003

Due Date: December 30, 2004

Examiner: Unknown

Group Art Unit: 1745

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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A return postcard.
 Response to Restriction Requirement (3 Pages).

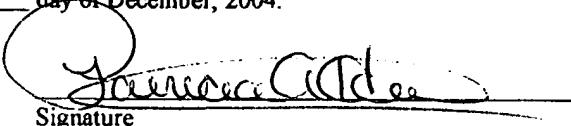
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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
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PATRICIA A. HULTMAN
Name


Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
(GENERAL)



S/N 10/627,584

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steven Andrew Poling et al. Examiner: _____
Serial No.: 10/627,584 Group Art Unit: 1745
Filed: July 25, 2003 Docket No.: 900.186US1
Title: COMPOUNDS FOR NOVEL PROTON CONDUCTING MEMBRANES AND
METHODS OF MAKING SAME

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant has reviewed the Restriction Requirement mailed November 30, 2004, wherein the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-17, drawn to compounds comprising inorganic sulfur-containing compounds, classified in class 423, subclass 511+.
- II. Claims 18-30, drawn to methods for producing a protonated chalcogenide or unprotonated crystalline sulfide, selenide or telluride, classified in class 423, subclasses 508+ and 511+.
- III. Claims 31-35, drawn to methods for producing a chemically and thermally stable membrane material, and the material so produced, classified in class 429, subclass 33.

Applicant hereby elects, with traverse, Group I (claims 1-17). Applicant also provisionally elects, with traverse, Species "a" as identified in the Restriction Requirement and identifies at least the following claims which are readable on the provisionally elected Species I: claims 1-13.

If the restriction is continued, the claims of the non-elected invention, claims 18-30 (Group II) and claims 31-35 (Group III) are hereby canceled without prejudice or disclaimer. However, Applicant reserves the right to reintroduce them in one or more continuation or divisional applications at a later date.

The Restriction Requirement is traversed on the basis that restriction requirements are optional in all cases. MPEP 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions MPEP 803. In the present application, since the elected claims (Group I) are closely related to the claims in Group II and Group III, it is respectfully submitted that the claims of Groups I, II and III can be efficiently and effectively searched in a single search with no additional burden placed on the Examiner.

The MPEP also states, in section 803, that not only must the inventions be independent, there must also be a serious burden on the Examiner. However, in this instance, the scope of the search should not vary regardless of which sets of claims are examined. Thus, there is no hardship on the part of the Examiner in performing the search and dealing with all the claims in the prosecution of one application.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

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Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 515-233-3865 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

STEVEN ANDREW POLING ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
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515-233-3865

Date DECEMBER 16, 2004

By Barbara J. Clark

Barbara J. Clark

Reg. No. 38,107

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PATRICIA A. HULTMAN

Name

Signature

